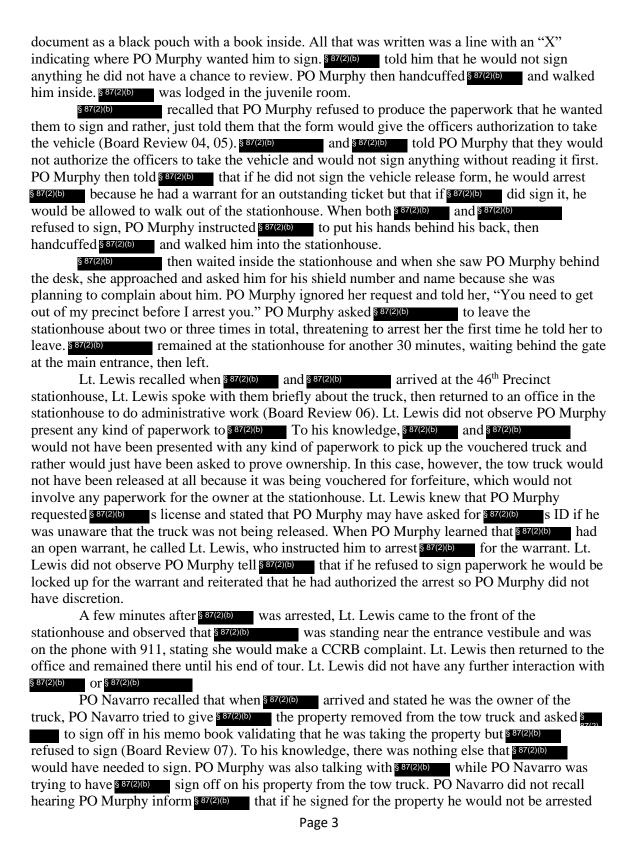
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	Ī	Force	<u> </u>	Discourt.	U.S.	
Alyssa Rogowski		Squad #7	201900240		Abuse		O.L.	Injury	
		-		<u> </u>				_ ` `	
Incident Date(s)		Location of Incident:		P	recinct:	18	Mo. SOL	EO SOI	_
Monday, 01/07/2019 2:45 PM		46th Precinct stationho Avenue, Bronx, NY 10			46	7	7/7/2020	2/21/202	1
Date/Time CV Reported		CV Reported At:	How CV Reported	1:	Date/Time	Rece	eived at CC	RB	
Wed, 01/09/2019 10:22 AM		CCRB	Phone		Wed, 01/0	9/201	9 10:22 Al	M	
Complainant/Victim	Туре	Home Addro	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. POM Brendan Murphy	13053	955237	046 PCT						
2. POM Christophe Jurkota	10002	950654	046 PCT						
3. SGT John Pirando	01343	943685	046 PCT						
Witness Officer(s)	Shield No	Tax No	Cmd Name						
1. POM Nefi Navarro	26787	965364	046 PCT						
2. SGT Edwin Ching	01578	917418	046 PCT						
3. LT John Lewis	00000	924073	046 PCT						
Officer(s)	Allegation	n			Inve	estiga	tor Recor	nmendatio	<u> </u>
A.POM Brendan Murphy	Abuse: Po § 87(2)(b)	olice Officer Brendan N	Murphy threatened t	o arre	est				
B.POM Brendan Murphy		olice Officer Brendan N number to ^{§ 87(2)(b)}	Murphy refused to p	rovid	e				
C.POM Brendan Murphy	Abuse: Po	olice Officer Brendan N	Murphy refused to p	rovid	e				
D.POM Brendan Murphy	Abuse: Po	olice Officer Brendan M	Murphy threatened t	o arre	est				
E.SGT John Pirando	Abuse: Se treatment	ergeant John Pirando di for ^{§ 87(2)(6)}	id not obtain medica	al					
F.POM Christophe Jurkota	Force: Poagainst § 8	lice Officer Christophe	Jurkota used physi	cal fo	orce				
G.POM Christophe Jurkota		sy: Police Officer Chri ously to § 87(2)(b)	stophe Jurkota spok	te					

Case Summary

On January 9th, 2019, §87(2)(b) filed the following complaint via call to the CCRB's intake unit. On January 7th, 2019 at approximately 2:45pm, \$87(2)(6) went to the 46th Precinct stationhouse in the Bronx with his wife, \$87(2)(b) to pick up one of his tow trucks which was in police custody following the arrest of its driver. \$87(2)(b) and \$87(2)(b) with Police Officer Brendan Murphy of the 46th Precinct about the tow truck, then PO Murphy allegedly told \$87(2)(6) that if he did not sign a paper for the property, he would arrest \$87(2)(6) for a bench warrant (Allegation A: Abuse of Authority, §87(2)(9) refused to sign, PO Murphy arrested §87(2)(b) remained at the stationhouse and when she saw PO Murphy again, she asked for his shield number and name which he allegedly refused to provide (Allegations B and C: Abuse of Authority, \$87(2)(9) PO Murphy then allegedly threatened to arrest \$87(2)(b) if she did not leave the stationhouse (Allegation D: Abuse of Authority, § 87(2)(9) was held at the stationhouse in the juvenile room, secured by one hand to a bench. After being lodged, \$87(2)(b) informed officers that he would need insulin that evening. Over the course of the next few hours, § 87(2)(b) requested medical attention for his insulin several times and though notified of \$87(2)(b) s requests, Sergeant John Pirando of the 46th Precinct refused to obtain medical attention for [SE7(2)(b)] (Allegation E: Abuse of Authority, After several requests for medical attention, \$87(2)(6) decided to yell for a sergeant. Police Officer Christophe Jurkota of the 46th Precinct entered the juvenile room after hearing \$87(2)(b) s yelling and, in an effort to secure \$87(2)(b) s free hand, allegedly grabbed onto \$87(2)(b) s thumb and pushed it back (Allegation F: Force, \$87(2)(9) also allegedly told §87(2)(b) "No one fucking does this in my house" (Allegation G: Discourtesy, § 87(2)(g) The investigation obtained body-worn camera footage from this incident (Board Review 01). **Findings and Recommendations** Allegation A—Abuse of Authority: Police Officer Brendan Murphy threatened to arrest Allegation B—Abuse of Authority: Police Officer Brendan Murphy refused to provide his shield number to § 87(2)(b) Allegation C—Abuse of Authority: Police Officer Brendan Murphy refused to provide his name to § 87(2)(b) Allegation D—Abuse of Authority: Police Officer Brendan Murphy threatened to arrest recalled that when he and \$37(2)(b) entered the 46th Precinct stationhouse to pick up their tow truck, PO Murphy approached them in the lobby (Board Review 02, 03). PO Murphy asked for \$87(2)(b) s license, which \$87(2)(b) provided and after running the license, PO Murphy told § 87(2)(b) that the truck was being impounded. PO Murphy was then called by another officer to go out to the tow truck, which was parked in front of the stationhouse, so followed him outside. While outside, PO Murphy approached 887(2)(5) and told him that if he signed a paper, he would let \$87(2)(b) go but that if \$87(2)(b) refused to sign, PO Murphy would lock him up for a bench warrant. At this time, \$37(2) did not know what the paper was and learned later that the paper had been regarding his property. § 37(2)(b) described the Page 2



on the warrant. At some point, PO Murphy mentioned that \$87(2)(b) had an open warrant, told to turn around and put his hands behind his back, then handcuffed \$87(2)(b) After \$27(2)(c) was placed in handcuffs, PO Navarro went to the juvenile room to continue working on his paperwork.
Neither PO Navarro nor Lt. Lewis recalled seeing \$87(2)(0) have a conversation with PO Murphy. Neither PO Navarro nor Lt. Lewis observed PO Murphy threaten to arrest \$87(2)(0) nor did they observe PO Murphy refuse to provide his name or shield number to \$87(2)(0) Neither PO Navarro nor Lt. Lewis recalled any issues with \$87(2)(0) refusing to leave the stationhouse.
PO Murphy recalled that \$87(2)(b) had asked for PO Murphy's name and shield number which PO Murphy provided (Board Review 08). \$87(2)(b) then told PO Murphy that he had arrested his tow truck driver and that the truck was his, then \$87(2)(b) gave PO Murphy his ID. PO Murphy clarified that he had not asked for \$87(2)(b) s ID, rather \$87(2)(b) had just given it to him. PO Murphy did state, however, that he wanted to verify \$87(2)(b) s identity and ownership
of the truck so that he could voucher the truck to \$87(2)(b) PO Murphy took \$87(2)(b) Is ID and learned that \$87(2)(b) had an open warrant. PO Murphy informed Lt. Lewis, who authorized the arrest of \$87(2)(b) PO Murphy approached \$87(2)(b) again, told him about the warrant, and placed him in handcuffs. To PO Murphy's knowledge, there was no paperwork that \$87(2)(b) needed to fill out for either property in the truck or for the truck itself. PO Murphy did not tell
that if he did not sign for his property he would arrest him. PO Murphy did not recall having any interaction with \$87(2)(b) on this day. PO Murphy did not recall any issues with civilians refusing to leave the stationhouse after he had taken \$87(2)(b) into custody nor did he recall having to ask a civilian to leave the stationhouse during this time. PO Murphy denied that he ever threatened to arrest \$87(2)(b) for refusing
PO Murphy stated that he would never refuse to provide his name and shield number to PO Murphy stated that he would never refuse to provide his name and shield to anyone.

Allegation E—Abuse of Authority: Sergeant John Pirando did not obtain medical treatment
for \$87(2)(b) Allegation F—Abuse of Authority: Police Officer Christophe Jurkota used physical force
against § 87(2)(b)
Allegation G—Abuse of Authority: Police Officer Christophe Jurkota spoke discourteously
to § 87(2)(b)
recalled after being arrested, he was lodged in the juvenile room and handcuffed by one hand to a bench. He had a clear view of a clock from his position and between 3:30pm-3:45pm, he informed PO Murphy and PO Navarro that he would need an insulin shot at 8:00pm, stating that if they were going to take him to Central Booking, the EMT there could just give it to him, but that if it was going to be a while, they might need to take him to the hospital. PO Murphy and PO Navarro replied that was no problem and that there was plenty of time before 8:00pm.
Between 6:00pm-6:30pm, PO Murphy left. PO Navarro remained in the room and again told PO Navarro that he would be needing medical attention and asked him to inform the sergeant. PO Navarro called for PO Jurkota to watch 357(2)(5) At around 7:30pm, 357(2)(5) told PO Jurkota that he would need his medication and asked him to please check with the sergeant. PO Navarro returned and told PO Jurkota, "Well I told the sergeant but you know how that goes," and PO Jurkota laughed. 357(2)(5) asked PO Navarro and PO Jurkota if he would have to start screaming for the sergeant to get medical attention to which PO Navarro shrugged his shoulders. PO Jurkota then left the room. 557(2)(6) again told PO Navarro that he was not
feeling well and would really need medical attention soon. When PO Navarro did not have a substantive response, so who was still seated and handcuffed by one hand to the bench, began to yell, "Serg! Serg!" PO Jurkota came at yelling, "No one yells in my house," and, "No one fucking does this in my house!" PO
Jurkota grabbed \$87(2)(b) s right hand, which was not handcuffed, and tried to handcuff his right arm to the bench. PO Jurkota leaned his body weight against \$87(2)(b) s shoulder and pulled at \$87(2)(b) s right hand with both of his hands. PO Jurkota then grabbed \$87(2)(b) s forearm with his left hand and grabbed his thumb with his right hand, then bent \$87(2)(b) s thumb back about
halfway to his arm. \$87(2)(b) stayed seated on the bench throughout PO Jurkota trying to handcuff his hand and PO Jurkota was not issuing him any orders. PO Navarro was present throughout and Sgt. Ching came into the room at some point before PO Jurkota finished
handcuffing him. \$87(2)(b) s hand became very swollen. \$87(2)(b) addressed Sgt. Ching and told him that he had been telling officers for hours that he would need to get insulin and that his thumb was now injured. After about 15-20 minutes, an ambulance arrived and \$87(2)(b) was taken to \$87(2)(b) .
Medical Records obtained from was brought in by NYPD requesting insulin and complaining of pain in his right thumb, stating that it was bent back during his arrest (Board Review 09). \$87(2)(b) was diagnosed with a hyperextension sprain to his thumb and discharged with an ACE bandage. PO Navarro activated his BWC immediately after \$87(2)(b) was handcuffed (Board
Review 01). The BWC had been sitting on a table facing \$\frac{8}{37(2)(b)}\$ and the thirty second buffer captures the officers handcuffing \$\frac{8}{37(2)(b)}\$ however, there is no audio and it is impossible to tell clearly what actions individual officers are taking to secure \$\frac{8}{37(2)(b)}\$. This time stamp on the BWC indicates that the recording begins at around 7:59pm. Once \$\frac{8}{37(2)(b)}\$ is handcuffed, and the audio begins, \$\frac{8}{37(2)(b)}\$ can be heard yelling, cursing, and yanking up on his handcuffs. The rest

of the footage captures \$37(2)(b) s conversation with Sgt. Ching, during which \$37(2)(b) Sgt. Ching that he "told PO Murphy like four hours ago," that he needed medical attention. PO Navarro recalled that some time before 6:55pm, \$37(2)(b) told PO Navarro that he would need his insulin shot later in the evening. \$87(2)(6) did not appear to be in physical distress when he made this first request. PO Navarro's memo book indicates that at 6:55pm, he notified the desk sergeant, Sgt. Pirando, that \$37(2)(b) was requesting medical attention (Board Review 10). In his interview, PO Navarro recalled making one prior notification to Sgt. Pirando before the one at 6:55pm. [887(2)(b)] asked for medical attention several times throughout the evening and PO Navarro kept going up to the Sgt. Pirando to ask when the transport to Central Booking would occur. Throughout the evening, \$37(2)(b) s statements changed from that he would need his insulin to that he needed his insulin shots immediately. § 87(2)(b) told PO Navarro that his blood sugar was getting low and he wanted some food so PO Navarro gave him a sandwich and something to drink, which calmed \$87(2)(b) down for a while. Between 6:55pm-7:55pm, started to become angrier in his tone and demeanor, demanding to go to the hospital, and trying to stand up and kick his legs. §87(2)(6) was also looking around as if threatening to damage property, causing PO Navarro to move some computers out of reach. § 87(2)(b) stated that he would not be calm anymore and would act out to get attention. At 7:55pm, PO Navarro again went the desk and this time spoke to Sgt. Ching, who had relieved Sgt. Pirando. This was the first conversation PO Navarro had with Sgt. Ching about s requests for medical attention. He then returned to the juvenile room and continued trying to calm § 97(2)(b) but § 97(2)(c) started to yell and other officers entered the room and tried to handcuff (\$ 97(2)(b) s free hand to the bench. PO Navarro knew that PO Jurkota was present but was unsure which other officers were involved. PO Navarro grabbed \$87(2)(b) s left hand, which had already been handcuffed to the bench, and attempted to restrain that arm to prevent [887(2)(b)] from harming himself from yanking up on the handcuff on that hand. PO Navarro did not observe PO Jurkota grab (\$187(2)(b) and s thumb and bend it back, though he could not really see what other officers were doing while securing \$37(2)(b) PO Navarro did not recall hearing PO Jurkota state, "No one fucking does this in my house," nor did he recall PO Jurkota using any profanity, though he added that there was a lot of yelling while the officers were trying to secure \$87(2)(b) after both of \$87(2)(b) s hands were cuffed to the bench, Sgt. Ching entered and spoke with At 8:11pm, \$37(2)b complained that his thumb hurt and made threats about suing. PO Navarro again went to the desk and told Sgt. Ching that §87(2)(b) needed medical attention because his hand hurt and he needed insulin. Sgt. Ching called for an ambulance. EMTs arrived at the stationhouse and PO Navarro rode in the ambulance with \$87(2)(b) to \$87(2)(b) Sgt. Pirando had no recollection of this day (Board Review 11). He was the desk sergeant for the entirety of his tour, other than when he was relieved for meal. Sgt. Pirando did not recall if he had any interaction with PO Navarro on this evening nor did he recall PO Navarro ever informing him that (\$187(2)(5) In needed medical attention or asking him to obtain medical attention for § 87(2)(b) Sgt. Pirando did not recall any other officer informing him that § 87(2)(b) needed medical attention and to his knowledge, it was never requested of him to obtain medical attention Sgt. Pirando did not know if EMS responded to the stationhouse on this day. On January 7th, 2019, Sgt. Ching was on patrol with PO Jurkota until 7:00pm, when he took over the desk to relieve Sgt. Pirando for meal (Board Review 12). At some point while he was at the desk, PO Navarro approached Sgt. Ching and informed him that \$87(2)(5) needed to go the hospital, stating that \$87(2)(b) was diabetic and had asked to go to the hospital during the day tour. This was the first time Sgt. Ching learned that \$87(2)(6) requested medical attention.

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Sgt. Ching responded that if \$37(2)(5) wanted to go to the hospital, he would get him an ambulance now. Sgt. Ching told PO Navarro to tell \$37(2)(5) that officers were calling an ambulance. Sgt. Ching did not recall if he requested over the radio for an ambulance or if he asked someone else to call an ambulance. During his interview, Sgt. Ching consulted an ICAD (Board Review 13) and noted that the call for an ambulance went over at 8:11pm.

PO Navarro returned to the juvenile room, then Sgt. Ching was informed that was acting irrationally, shaking the bench to which he was handcuffed, and that he had thrown a bottle at someone. From Sgt. Ching's position at the desk, he was not able to see into the juvenile room nor was he really able to hear what was happening in the juvenile room. Sgt. Ching entered the juvenile room and observed that street seemed irate and had already been secured and he was handcuffed by both hands to the bench. seemed irate and was shaking his hands, yelling, and cursing. Sgt. Ching was not informed of PO Jurkota grabbing sthumb. Sgt. Ching did not hear PO Jurkota state, "No one fucking does this in my house," nor did he hear PO Jurkota or another officer use profanity. Sgt. Ching attempted to calm street down and explain that it took time for an ambulance to come. Sgt. Ching stated that it was likely that the ambulance was called for prior to his entering the room but that he did not have a specific recollection of that and could not say for certain if the call went through before or after he entered the room.

Sgt. Ching stated that to him, \$87(2)(b) only complained of needing insulin. Sgt. Ching was not informed that \$87(2)(b) had sustained any injuries. After Sgt. Ching's conversation with \$87(2)(b) EMS arrived and \$87(2)(b) was taken to the hospital. Sgt. Ching had no further interaction with \$87(2)(b) and at 8:35pm, Sgt. Ching resumed patrol and Sgt. Pirando returned to the desk. Sgt. Ching informed him that \$87(2)(b) was going to the hospital. Sgt. Pirando did not tell Sgt. Ching anything about \$87(2)(b) or medical attention requests.

PO Jurkota recalled that when he and Sgt. Ching took over the desk to relieve Sgt. Pirando at 7:30pm, PO Jurkota was informed that \$87(2)(b) was lodged in the juvenile room and that he was not informed of any issues with \$87(2)(b) until PO Navarro informed them that needed an insulin shot (Board Review 14). PO Navarro added that \$87(2) had been complaining about this and that he had already given \$87(2)(b) food. Around this time, PO Jurkota heard (\$67(2)(0) yelling for a sergeant and cursing at officers from the juvenile room, which is about 10-15 feet from the desk. PO Jurkota decided to go to the juvenile room to tell I that an ambulance had already been called for him. When PO Jurkota reached the doorway of the juvenile room, he observed that \$87(2)(b) who was continuing to curse and yell, was seated on a bench and handcuffed by one hand to the bench. §87(2)(b) was waving his free arm and acting aggressively but because he was handcuffed by one hand he was not able to get close to anyone. This was the first time and only time PO Jurkota interacted with \$87(2)(b) in the juvenile room. PO Jurkota told § 87(2)(b) to calm down and § 87(2)(b) replied, "Go fuck yourself," stated he had diabetes, and demanded an ambulance. PO Jurkota told \$87(2)(b) that an ambulance had been called. § 37(2) continued to curse and act belligerently, so after about a minute, PO Jurkota told PO Navarro to handcuff \$ 87(2)(b) s other hand. PO Jurkota decided to handcuff \$ s other hand out of concern for his safety and that of others. PO Jurkota did not want to hit anyone or grab anything, for example, if he grabbed something from an officer's belt. PO Jurkota also stated that he thought he had been informed that \$ \$7(2)(5) had already tried to throw something at another person and as such, felt he could be dangerous.

PO Jurkota pulled out his handcuffs, and grabbed \$87(2)(b) s free wrist. PO Jurkota secured one side of the handcuffs to \$87(2)(b) s wrist but when he attempted to secure the other side of the handcuffs to the bench, \$87(2)(b) pulled his arm back towards him, away from PO

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Jurkota, and asked what he was doing. PO Jurkota told him to calm down and that he was just handcuffing his other hand. Solvey continued to pull his arm back and tensed up his left arm to resist being handcuffed. PO Jurkota grasped solvey swrist and pulled down, attempting to fight against solvey pulling his arm back. PO Jurkota denied that he grabbed onto solvey stumb or bent it back while securing solvey shand. PO Jurkota knew that PO Navarro assisted him, and thought that PO Navarro also grabbed solvey solvey solvey to calm down, that the ambulance was on its way, and that they were not denying him medical treatment. PO Jurkota did not tell solvey when asked if he used any profanity, PO Jurkota stated that he probably stated, "Calm the fuck down," or something along those lines.
PO Jurkota stated that he made that statement to gain control because \$87(2)(6) was screaming and was not complying.
Once §87(2)(b) was handcuffed, PO Jurkota walked out of the room and Sgt. Ching
entered and spoke with \$87(2)(b) PO Jurkota did not know what their conversation was as he was
outside but \$87(2)(b) was subsequently taken to the hospital. PO Jurkota was not aware that
had claimed any injuries from being handcuffed until being informed of that by PO Navarro
a few days later.
PO Murphy did not recall having any interaction with \$87(2)(b) after he was placed in the
juvenile room nor did he know what transpired with \$87(2)(b) after he was lodged. PO Murphy
denied that \$87(2)(b) informed him he would be requiring insulin at any point. \$87(2)(b) did not
notify him of any health concerns and denied that he needed any medication when PO Murphy
asked him at the desk prior to lodging him.
NYPD Patrol Guide Procedure 201-04, which outlines procedure for prisoners requiring
medical treatment, directs that the desk officer should request an ambulance and have the prisoner removed to the hospital if medical/psychiatric/drug addiction treatment is required during arrest
processing (Board Review 15).
It is undisputed that Sgt. Pirando was the desk sergeant for most of the time that \$87(2)(6)
was requesting medical attention. § 87(2)(9)

	§ 87(2)(g)
	8 0.1(2)(8)
	Civilian and Officer CCRB Histories This is the first CCRB count list to which (Poord Positors 16)
•	This is the first CCRB complaint to which \$87(2)(b) has been party (Board Review 16). This is the first CCRB complaint to which \$87(2)(b) has been party (Board Review 16).
•	17).
•	PO Brendan Murphy has been a member-of-service for 6 years and has been a subject in
	5 prior CCRB complaints and nine allegations, one of which was substantiated.
	§ 87(2)(g)
	C 201002127 '
	 Case 201902127 involved a substantiated allegation of failure to provide RTKA card. The Board recommended command level instructions.
•	Sgt. John Pirando has been a member-of-service for 12 years and has been a subject in
	four prior CCRB complaints and nine allegations, none of which were substantiated. He
	is also subject in one ongoing CCRB investigation, 201902313 §87(2)(9)
•	PO Christophe Jurkota has been a member-of-service for 8 years and this the first CCRB
	complaint in which he has been a subject.
	Mediation, Civil and Criminal Histories
•	§ 87(2)(b) and § 87(2)(b) declined to mediate this complaint.
•	[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [§ 87(2)(c)]
	(b)] [§§
	(3)&(4)
_	[5 07/2/k] [5 06/4/2/8 /]] [5 07/2/k]
•	[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
•	As of July 12 th , 2019, the New York City Office of the Comptroller has no record of a
	Notice of Claim being filed in regards to this complaint (Board Review 20).
C 1	NT
Squad	NO.:
Investi	gator:
	Page 0

	Signature	Print Title & Name	Date
Squad Leader:			
•	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date